

1 through this again. We're going to --

2 SIDE B

3 MARSHA GIBBS: -- spoke to somebody else in
4 reference to this.

5 RHONDA: Uh-huh.

6 MARSHA GIBBS: Now, this is the thing: Since then
7 they've given us alerts in the system for other locations,
8 because I'll tell you which one I'm calling about, and maybe
9 this will make sense to you. In Scottsdale, Arizona. Okay?
10 So the last person that talked to you, it was one of your
11 other locations that were coming up.

12 So this is what we're going to do so we don't go
13 through this again. We're going to use that letter of
14 authorization for all of the locations until you decide and
15 until this company comes in and gets you. Then this way you
16 don't have to go through this anymore.

17 RHONDA: Okay.

18 MARSHA GIBBS: What if --

19 RHONDA: Can I ask you a question?

20 MARSHA GIBBS: Yes, you can.

21 RHONDA: I have not sent anything to you. I --
22 you -- from me you shouldn't know that we're changing
23 companies. From the company that we're changing to, they
24 haven't sent anything either.

25 MARSHA GIBBS: They did, and they don't want you

1 that. I don't know where his -- what his function is. I
2 have to look it up.

3 RHONDA: "inaudible"

4 MARSHA GIBBS: We go by last names here. If Jason
5 is calling you --

6 RHONDA: Hang on a minute. If I'm getting at
7 least one call a day, now I've gotten two, wouldn't you, if
8 this was you, wouldn't you think that you're being harassed
9 by --

10 MARSHA GIBBS: I respecting your decision. I am
11 respecting your decision that you want to go over to this
12 company. Okay? We're going to try to help you get there as
13 fast as we can, as soon as you decide this is what you want
14 to do. In the interim, I'm telling you what we need from
15 you in order to keep this service up and going and so you
16 don't have a disconnect. That's my primary concern here.

17 So, if you can please -- I can send you another
18 one. All's I need -- that's fine. What's the fax that's
19 closest to you now?

20 RHONDA: "inaudible" You know that thing that I
21 signed, Suzanne, and sent to them?

22 MARSHA GIBBS: I "inaudible" send me another one
23 saying today's date on it anyway, because this is what we're
24 going to do. We're going to use this letter of
25 authorization for all the locations so nobody will be

1 calling you to ask you for another letter of authorization.

2 What's the fax number that's closest to you?

3 RHONDA: The fax number is 520 --

4 MARSHA GIBBS: 520.

5 RHONDA: -- 624 --

6 MARSHA GIBBS: 624.

7 RHONDA: -- 0077.

8 MARSHA GIBBS: Okay. Can you get that "inaudible"
9 as soon as possible? 0077. Okay. I'm going to stay with
10 you. If you need to do other things, that's fine. Because
11 I'm going to actually "inaudible" on the line that I
12 received it.

13 RHONDA: Is your fax number on that?

14 MARSHA GIBBS: I'm going to give you my back line
15 so that if you have any questions, because I've "inaudible"
16 over this account. I'm the directing manager here.

17 RHONDA: Okay.

18 MARSHA GIBBS: So that way you go straight to me
19 and my secretary will page me and we'll be on the same page
20 and so you don't have to get upset like this anymore. It's
21 800-636-6670. My direct extension is 5556, and if I'm on
22 the phone, Rhonda, tell them to change me overhead
23 immediately.

24 RHONDA: Okay. Your name's Marsha?

25 MARSHA GIBBS: Marsha Gibbs, G-I-B-B-S. Then I'm

1 going to put a note in here to cease and desist with the
2 calls.

3 RHONDA: Okay. All right. Let me put you on
4 hold, and run over to the fax machine.

5 MARSHA GIBBS: Let me ask you something. I've
6 taken up so much of your time today. In the event -- to
7 make sure everything -- we're going to make sure everything
8 is "inaudible" correctly.

9 RHONDA: Okay.

10 MARSHA GIBBS: There may be a conference call.
11 May. It may take about 20 to 40 minutes or because this
12 whole call is recorded, the call I had with the previous guy
13 was recorded. We can use your name. We can get it done for
14 you and save you some time and this would be for everything.

15 RHONDA: Okay.

16 MARSHA GIBBS: Okay. You send me right now, if
17 you want to put me on hold.

18 RHONDA: All right. Hold on.

19 MARSHA GIBBS: Okay.

20 RHONDA: Marsha?

21 MARSHA GIBBS: Yes, I'm -- did you get that?

22 RHONDA: Yes, I got it. It's on it's way back to
23 you. We did call our -- the company we're switching to.
24 They haven't sent you anything.

25 MARSHA GIBBS: Yes. They -- you know what? This

1 is the thing: Let's just not say anything about that
2 company, because I'm sure it's a good company, and I would
3 never try to do that to earn somebody's business back. But
4 the truth of the matter is, maybe it wasn't meant to send.
5 Maybe it was somebody that didn't know what they were doing,
6 and they sent it over, because it came through the local.
7 It was alert in the system. So somebody did something a
8 little bit too soon.

9 RHONDA: "inaudible" local lines and not the long
10 distance?

11 MARSHA GIBBS: It was for everything. They came
12 through your local service, and then they had to be notified
13 from somewhere. If it was a mistake, it was a mistake, you
14 know, but you have to realize now we lost you. I'll wear
15 the black eye.

16 I mean I respect your decision, but can you
17 imagine coming on board with a new company and even a time
18 line as to when you want everybody to know about it and they
19 just let it earlier? You know, that's a huge substantial
20 amount of business that's going to be lost to that
21 salesperson.

22 I've been doing this for so long. I'm kind of at
23 a neutral point right now, because I mean even though I work
24 for the company, I'm not in the sell department. My primary
25 job here is if the accounts need to be canceled, we cancel

1 them. We don't really have anything to do with you know the
2 customer service issues and things like that.

3 That alert came from somebody within that company
4 for turnaround to alert us through the local that you were
5 switching vendors, and of course you have to realize they
6 wouldn't want you to know that if they -- if you have a
7 particular time line that's set up for all this to happen.

8 RHONDA: Right.

9 MARSHA GIBBS: You see what I'm saying?

10 RHONDA: I -- yes.

11 MARSHA GIBBS: Yes. So you know like I said, my
12 intent was not to upset you in any way. We're just going to
13 try and make sure that everything transfers over and we'll
14 use the same letter of authorization that you're sending in
15 today as a -- for all the locations so that you don't have
16 to send in another one.

17 RHONDA: Okay.

18 MARSHA GIBBS: Hold on two seconds. I'll go get
19 it.

20 RHONDA: Okay.

21 DIANA: Tyler Electric, Diana.

22 MARSHA GIBBS: Yes, hi. Can I speak to Janice,
23 please?

24 DIANA: Hold on, please.

25 MARSHA GIBBS: Okay.

1 JANICE: Good afternoon. Janice Steiner.

2 MARSHA GIBBS: Yes, hi Janice. My name is Marsha
3 Gibbs. I'm calling from A and I Communications in the
4 corporate office. How are you?

5 JANICE: I'm fine.

6 MARSHA GIBBS: You know our calls are monitored
7 and recorded for quality assurance purposes.

8 JANICE: Okay.

9 MARSHA GIBBS: I "inaudible" talked to him. He's
10 a manager. He's a branch manager. He runs our operations
11 department. I'm actually the director. So I wanted to call
12 you myself because I wanted to speak to you about some
13 issues.

14 The lines were still going here with our company,
15 and so you're going to Sprint from what I understand; is
16 that correct?

17 JANICE: Yes, that's right.

18 MARSHA GIBBS: They have not completed a switch.
19 The lines are still billing here with our company. I did
20 not want to have to shut these lines off, because your
21 business would be at a detriment and basically anybody that
22 calls into the office, it would have that you were
23 temporarily disconnected. If you tried to dial out, on the
24 lines that are still PIC'd here, you wouldn't be able to.

25 JANICE: Right.

1 MARSHA GIBBS: You have so many lines you know
2 that are billing here you know on a large scale. If we can
3 send you a letter of agency, have you attach a detailed
4 addendum to it, put on this form itself see attached
5 addendum, because I would much rather prefer, as a previous
6 customer of ours, for you to transition from our company
7 over to the other one.

8 JANICE: Sure.

9 MARSHA GIBBS: What I will do is basically -- and
10 I normally don't make these type of calls, but I want to
11 give you my back line, because we're going to work through
12 this process to make sure that everything transitions over
13 correctly to them.

14 JANICE: Okay. Sure.

15 MARSHA GIBBS: Okay? So my line directly, I'm
16 going to get two numbers for you actually. Hold on for two
17 seconds. Okay?

18 JANICE: Okay.

19 MARSHA GIBBS: Okay. Janice, I'm going to give
20 you -- this is -- would charge if you call, but at least you
21 would have a way -- two ways of getting a hold of me
22 directly. It's 702 --

23 JANICE: Where are you located?

24 MARSHA GIBBS: I'm in Nevada. Originally from
25 Chicago. Our corporate office was in Bethesda, but I -- we

1 transferred here.

2 JANICE: 702?

3 MARSHA GIBBS: 949-4019 and my secretary's name is
4 Megan. So, if I'm on the phone or I'm on the floor, she
5 will find me and get me on the phone with you. My direct
6 line is 800-636-6670, and my office extension is 5556.
7 Megan's within the office, but I just want you to have two
8 numbers.

9 JANICE: What is your name?

10 MARSHA GIBBS: Marsha Gibbs, G-I-B-B-S. It's
11 spelled M-A-R-S-H-A.

12 JANICE: Okay.

13 MARSHA GIBBS: So I'm going to send the form over,
14 and I need to have resolution on this call, because what I
15 want you to do is I'm going to tell you what to write out on
16 the addendum. You need to state the company that you're
17 switching to that's on this call, and then on the form
18 itself we're going to have you put clearly see attached
19 addendum, because those are the terms of this letter of
20 authorization that you're signing.

21 Then as soon as they come in and migrate your
22 services from us, all your ties will be severed from our
23 company completely.

24 JANICE: Okay.

25 MARSHA GIBBS: And we're going to make sure that

1 this transitions. Because you know, this is the thing: You
2 don't want to go shutting people's lines down, even though
3 in this particular instance it's not our fault, because they
4 didn't pick it up in time, and no fault to them. It's
5 probably that we got our alert a little bit too early before
6 they could finish it.

7 But the last thing you want to do is do that,
8 because this business is very competitive. You're not with
9 us right now, but maybe you might consider our company in
10 the future.

11 JANICE: Right.

12 MARSHA GIBBS: So what is the fax number that's
13 closest to you right now where I can get this form over to
14 you?

15 JANICE: Okay. 252 --

16 MARSHA GIBBS: 252.

17 JANICE: -- 943 --

18 MARSHA GIBBS: 943.

19 JANICE: -- 3510.

20 MARSHA GIBBS: 3510. Okay. I'm going to modify
21 it and get it over to you right now. If you can put me on
22 hold and grab the company letterhead, I'll tell you exactly
23 what to put. This is going to take two minutes and we're
24 done.

25 JANICE: Well, I'm going to have to -- the CEO is

1 not here this afternoon, and I'm -- he -- we go over all
2 changes like this before we finalize them with him. He --
3 I'm expecting him back later on.

4 MARSHA GIBBS: Has Tim or anybody talked to him?

5 JANICE: I don't think so. I don't know.

6 MARSHA GIBBS: Is this -- I'm trying to think if
7 I -- if they did call, I -- is that Jeff?

8 JANICE: No.

9 MARSHA GIBBS: Okay. Patrick? Was it him?

10 JANICE: No. Patrick is an accountant.

11 MARSHA GIBBS: Okay. Because I know that they
12 talked to several people here.

13 JANICE: Yes. They talked to Patrick. He's the
14 accountant that handles the bills.

15 MARSHA GIBBS: Yes. We do have you listed as a
16 key person here.

17 JANICE: Right.

18 MARSHA GIBBS: And it's temporarily. My main
19 concern is we don't want you to lose service. At this
20 point --

21 JANICE: Well, I don't want to either.

22 MARSHA GIBBS: Yes. See we haven't gotten
23 resolution on it, and that's why I called you myself,
24 because I don't want you to mistake urgency for pressure,
25 but this system is set to cause a disruption to everything,

1 effective immediately.

2 So I wanted to call and explain it to you, so that
3 we could get this on file, because as you know with our
4 company, we don't have contracts, terms, plans or
5 agreements. So as soon as they come in and pick it up,
6 it'll be fine.

7 If the service goes down, it's going to take them
8 even longer, Janice, to get it PIC'd to them, because
9 they're going to have to figure out how we can bring it back
10 up. And this is every phone line that's associated here
11 with us that's still billing, which is at this point about
12 95 percent of the traffic.

13 JANICE: Okay.

14 MARSHA GIBBS: So I need to get that back from
15 you.

16 JANICE: If you'll get it to me, then I will --

17 MARSHA GIBBS: It's sitting there right now, and I
18 have to confirm with you on this recorded line that I
19 received it from you. That's the reason why I gave you both
20 of my numbers, because once you talk to him, if he has any
21 questions for me, that's fine.

22 Our main point is, is we're respecting your
23 decision. We actually want that company to come in as soon
24 as they can and pick it up, because it's almost not worth
25 carrying if your -- if our company is going to be at a

1 liability, and I don't mean to sound facetious when I say
2 that at all, because we appreciated you as a customer, but
3 we want to help them get you over there as soon as possible
4 without -- with you having a smooth transition.

5 JANICE: Well, as soon as I can talk with him, and
6 I don't know what time he'll be here. That's the thing.

7 MARSHA GIBBS: Is there any way you can go ahead
8 and send that over to me so I can --

9 JANICE: I cannot.

10 MARSHA GIBBS: -- keep this up and running?

11 JANICE: I cannot until I talk with him.

12 MARSHA GIBBS: Does he have a cell phone where you
13 can put me on hold and let him know the serious of this
14 situation?

15 JANICE: He's actually on the golf course. He
16 does not carry his phone with him.

17 MARSHA GIBBS: Okay.

18 JANICE: But I expect him in later on this
19 afternoon.

20 MARSHA GIBBS: See, that's the thing, Janice. If
21 it's shut off right now, then you -- he won't even be able
22 to call in to you to see what's going on, because every
23 phone line is still billing here with our company, and
24 you're still here on everything. So in Pantego, all those
25 lines would be shut off, as well as all the other locations.

1 Your 800 numbers are still billing here with us,
2 and you know basically if the 800 numbers are shut down,
3 which is where predominantly most of your business is at,
4 it's going to have clearly that these lines are
5 disconnected.

6 My concern is the fact that we don't have them in
7 here trying to pull them from us. So they're going to be
8 sitting dormant. That's a perfect opportunity for the
9 national S and S to reissue them.

10 JANICE: Say that again. I didn't hear you.

11 MARSHA GIBBS: That's a perfect opportunity for
12 another company to pick them up on an open market network,
13 and you could possibly lose the numbers. So I'm just -- I'm
14 not trying to scare you. I'm just trying to let you know as
15 a director of this department, what can happen if we don't
16 get something to cover this, because your company is going
17 to be in a serious detriment.

18 JANICE: Why can't you just continue it until they
19 can get an opportunity to switch? That's what we can't
20 understand.

21 MARSHA GIBBS: Okay. Let me explain to you why we
22 can't do that. Because you signed a letter of agency with
23 this other company. Our company is not tariffed to do
24 partial line billing. We don't -- we're carrying this
25 traffic at a liability, because we don't have permission to

1 carry it at this point.

2 So in essence, when you signed that letter of
3 agency with them, it voided out any authorization that we
4 had to carry this traffic.

5 JANICE: Well then I don't understand how
6 something on our letterhead could change that.

7 MARSHA GIBBS: Your letterhead and the letter of
8 authorization from our company. That's what I'm asking you
9 for. It's our standard letter of agency. You have to send
10 over an addendum on company letterhead, and you have to send
11 over the letter of authorization. We'll have it on file,
12 because we need to be covered in this interim period.

13 I'm sure you being in business you know at this
14 point if your company could be in a liability because they
15 were carrying traffic unauthorized, you know what I mean?
16 It's just not worth the detriment. So you know we're
17 calling you out of courtesy. You understand you are leaving
18 our company completely.

19 So you should look at us with some integrity here,
20 because we're at least trying to help you so that you have a
21 transition over to the -- smoothly to this company.

22 JANICE: Yes. I appreciate it. I really do.

23 MARSHA GIBBS: But I can't do that and then have
24 our company at risk, because we're carrying the traffic
25 unauthorized. It's risk-free to you. It's going to keep

1 *your service up until it's running.*

2 We know you're switching. We know you're leaving
3 without a doubt. It's been stated on several calls. Why
4 take the risk? Don't have a service go down and not be able
5 to call out and waiting for them to transition it, when you
6 know that's going to slow their process down and your
7 company will lose in the interim because you have so many
8 numbers that are billing here. That's the reason we need
9 it.

10 Just like when they come in, Janice, and they
11 physically migrate the lines from us onto their company, the
12 information that they're using that you gave them will
13 supersede what you sign with us today.

14 JANICE: Okay. Well, I just need to get the
15 signature of the CEO. I need to talk with him. Like I say,
16 he's not available right now. Can you just give us a little
17 time and let me see if I can reach him? I'll try.

18 MARSHA GIBBS: You know what "inaudible" on hold
19 while you try for a little bit here and then if you can't --
20 because the thing of it is is that we don't have system
21 over -- we don't have control over it. It's system
22 generating.

23 I held this for as long as I could, because I knew
24 that Tim was talking to you about this and trying to get you
25 resolution on it. At this point, it has to be urgent for

1 the director of the whole department to call you and let you
2 know what's going on. That's my standpoint right now. I
3 have to get resolution, either way whether you want us to go
4 ahead and proceed with the take down or whether you want us
5 to keep it up and running.

6 This is normally a simple process, because it's
7 temporary. We know that you're leaving. We know that it's
8 for the interim period. The only thing that we're asking
9 you is give us the courtesy of being covered on this end,
10 trying to help you get switched over to the other company.

11 JANICE: Okay. Well, I still need to talk with
12 him. You understand that I'm sure.

13 MARSHA GIBBS: Yes, I do. I have you authorized
14 as the signed. So that's fine. When you talk to him -- can
15 I hold with you for a little bit while you actually try and
16 call him?

17 JANICE: What I'll have to do is try to get up
18 with him and have him call you. That's all that I can do.
19 I know that I can't get him, but I can probably get a
20 message to him to call you.

21 MARSHA GIBBS: Okay. Then if the lines are
22 down -- I would suggest that you call him and try to find
23 out what you're doing, because they're still here. They are
24 still here and it's just something else -- I know -- I don't
25 want -- once again, that's fine.

1 If that's what you need to do, but I hope you
2 understand we tried to do everything that we could on this
3 end to pretty much help you. All these 800 numbers and
4 everything associated with all of the accounts are still
5 here. Last "inaudible" today. 800 numbers have not even
6 been requested by this company as of today.

7 As of this moment, everything is actively going.
8 So, it's going to cause a disruption to everything that you
9 have with this take down.

10 JANICE: As soon as I can get up with him --

11 MARSHA GIBBS: Okay. If it happens before then --
12 you understand what I'm saying? That's why I'm asking you
13 if you can get a message to him and possibly maybe hold for
14 you -- with a little bit until he gets you.

15 JANICE: What is the problem with your just
16 continuing to serve us until --

17 MARSHA GIBBS: I've explained that I think very
18 thoroughly like three times here. We cannot carry the
19 traffic. It's just like somebody walking out of the store
20 with something, you know and then asking for them to --

21 JANICE: But you say --

22 MARSHA GIBBS: The store owner to ask them to wait
23 to pay for it. Well, if that store --

24 JANICE: You haven't received notice of --

25 MARSHA GIBBS: Yes, we have got a disconnect from

1 the local to disconnect the services. Our company is a
2 noncontractual company, Janice. We can't carry the traffic
3 unauthorized. It's no shade of gray. It's either we have
4 permission or we don't. When you signed that letter or when
5 they sent over this disconnect, it voided out any authority
6 that we had to carry the traffic.

7 I can't tell you what you do over there. I've
8 been with this company now for six years, in this business
9 for ten, and the thing of it is, is that I'm trying to
10 understand from you what your apprehension is and I'm trying
11 to help you keep the lines up.

12 I can't -- I wish I could you know basically, but
13 on a professional standpoint within our company right now,
14 and I'm sure you can understand that, if it's for 20
15 minutes, if it's for an hour, if it's for in the business
16 day-to-day, we have to get something from you on file that
17 we have permission to carry it temporarily in the interim
18 period.

19 This logically I think -- you know if I'm missing
20 something, that's a logical explanation. You know I would
21 think even for you to understand that we cannot do it, if
22 it's going to cause us a problem, and you have to understand
23 something, your a customer that's leaving our company.

24 JANICE: But you served us -- you were serving us
25 yesterday. Why can't you continue to serve us --

1 MARSHA GIBBS: Because I can't. That's the reason
2 I called you today.

3 JANICE: Why? But I mean why? That's what I
4 don't understand.

5 MARSHA GIBBS: Because you signed that letter of
6 agency with that other company.

7 JANICE: But you --

8 MARSHA GIBBS: -- carrying the traffic, even
9 though they haven't -- we know you're going to Sprint, but
10 they haven't completed it yet, Janice. They haven't even
11 requested any of the 800 numbers yet. So, we know that
12 you're leaving. We're just waiting for them to come in and
13 take it from us. They haven't done that. Then they send
14 us -- then they notify the local. The local sends us a
15 disconnect on this end.

16 So we're just sitting here. We're hearing the
17 traffic without authorization. You cannot do that and
18 that's the reason why I wanted to take that opportunity and
19 call you myself and explain to you in detail what it is and
20 the detriment that you were going to end up with so that I
21 could get this form from you so that we could carry it
22 temporarily until they can pick you up.

23 JANICE: Okay. Now you tell me you're Marsha,
24 right?

25 MARSHA GIBBS: Yes.

1 JANICE: You tell me I can get you on
2 702-949-4019.

3 MARSHA GIBBS: Yes.

4 JANICE: 800-636-6670?

5 MARSHA GIBBS: And you need to call back as soon
6 as possible. That's why I said with you and I would hold
7 for you for a little bit.

8 JANICE: Well, I can't -- that wouldn't do any
9 good. I'd have to get a message to him. That's not
10 going --

11 MARSHA GIBBS: Janice, is there anybody else that
12 you can contact to give you permission to do this if you let
13 them know that the company is going to be at a standstill?
14 I'm sure, as the owner and "inaudible" or your attorney or
15 somebody, because you're going to end up losing service, and
16 then he's going to come in, the owners of the company, and
17 everything is going to be down and if it was just a matter
18 of signing --

19 (Whereupon, the tape concluded.)

20 //

21 //

22 //

23 //

24 //

25 //

Attachment

D

DOCKET NO. 03-96

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1 CASSETTE

Attachment

E

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